

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

BRADLEY J. SCHAUFENBUEL, *et. al.*,

Plaintiffs,

v.

Case No. 09 cv 1221

INVESTFORCLOSURES FINANCIAL, L.L.C.,
et. al.,

Defendants.

UNOPPOSED MOTION TO WITHDRAWAL

Attorneys Robert B. Christie and Jeffry M. Henderson, the attorneys of record for defendant James Bourassa (the “Client”), respectfully request the entry of an order allowing them to withdraw their appearance as attorneys for the Client, and in support thereof state as follows:¹

Procedural Status

1. On February 25, 2009, Plaintiffs filed a multi-count Complaint against the Client and a number of other defendants alleging fraud and violation of the securities laws. Plaintiffs amended their Complaint on March 17, 2009 and again on April 27, 2009, adding additional causes of actions, additional defendants, and additional plaintiffs.

¹ Attorneys Christie and Henderson have file a similar motion to withdrawal with regard to defendant Francis X. Sanchez, InvestForClosure Financial LLC, InvestForClosure.com LLC, and InvestForClosure Ventures, LLC, which will be heard by the Court on the same date as this Motion. Mr. Bourassa was not included in the first motion because Mr. Bourassa filed a petition for bankruptcy on April 10, 2009. That action is captioned as *In re James D. Bourassa and Marie A. Bourassa*, Docket No. 09 B 12873, which is pending before the United States Bankruptcy Court for the Northern District of Illinois. The automatic stay with regarding to that bankruptcy matter was in effect when the first motion to withdraw was filed. However, August 6, 2009, the bankruptcy court lifted that stay with regard to this action, and the present Motion followed.

2. On February 27, 2009, Plaintiffs filed a motion for preliminary injunction (which was later amended), followed on March 17, 2009 with the filing of a motion for a temporary restraining order (which was also later amended). Both motions, and their subsequent amended versions, were submitted to Magistrate Judge Nolan for consideration.

3. On August 5, 2009, Judge Nolan entered a “Temporary Restraining Order with Asset Freeze,” directed to defendants other than the Client. The preliminary injunction hearing, which specifically names the Client, is scheduled to begin on November 2, 2009. Thus, the Client will have approximately two and one-half months to prepare for that hearing. No other matters, with regard to the Client, are pending before Judge Nolan as of the date this motion was filed.

4. The only other matter pending before this Court is the Client’s motion to dismiss, which attacks each of the counts in Plaintiffs’ Second Amended Complaint, and motions to dismiss filed by defendants Guidi, Martin, and Rodriguex. The latter defendants are represented by attorneys other than attorneys Christie and Henderson. Those motions have been fully briefed. Pursuant to this Court’s prior order, the Court is scheduled to rule on all of the defendants’ motions to dismiss on September 10, 2009. No other matters, with regard to the Client, are pending before this Court as of the date this motion was filed.

The Withdrawal

5. Defending this action has taken a considerable financial toll on the Client, because his attorneys have expended considerable time and effort to ensure that he was properly represented. As noted in the note 1 above, the Client filed a petition for bankruptcy on April 10, 2009, and the automatic stay, as to this action, was lifted by the bankruptcy court on August 6, 2009. This action could easily last many months, if not years, and the Client

does not have the resources to continue to be represented by attorneys.

6. As a result of the above, the Client has failed substantially to fulfill his obligations to Messrs. Christie and Henderson, and the law firm of Henderson & Lyman to pay attorneys' fees and costs as agreed. Although the pre-petition fees will most likely be discharged by the bankruptcy court, the Client has made representations to the undersigned that he does not have the resources to pay his future obligations to the law firm of Henderson & Lyman. Continued representation, without the payment of attorneys' fees and costs, will result in an unreasonable financial burden on defense counsel, and as a result of the foregoing, representation will be rendered unreasonably difficult.

7. The Client has agreed to Messrs. Christie and Henderson's withdrawal from this action, and because no succeeding attorney has been retained by the Client as of the filing of this Motion, defendant Bourassa has agreed to being served in this action at his home located at the address below:

254 Gregory M. Sears Dr.
Gilberts, IL 60136

8. Defendant Bourassa may also be contacted by telephone (847-380-9444) and by e-mail (jimdonaldbourassa@gmail.com).

9. On August 7, 2009, the Client represented to attorney Christie that he would appear before the Court at the presentation of this Motion. The Client has been fully advised that he may appear in this matter *pro se* or through another attorney. The Client has also been fully briefed on the procedural posture of this case.

10. On August 7, 2009, the attorneys for the Plaintiffs' and the other Defendants that have appeared in this matter have confirmed that they had no objection to the Motion or

the relief requested.

WHEREFORE, Robert B. Christie and Jeffry M. Henderson, of the law firm of Henderson & Lyman, respectfully request the entry of an order allowing attorneys Christie and Henderson to withdraw their appearance in this matter with respect to defendant James Bourassa.

Respectfully submitted,

JEFFRY M. HENDERSON and
ROBERT B. CHRISTIE

By: /s/ Jeffry M. Henderson
/s/ Robert B. Christie

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